

Introduced by Senator Perata

February 23, 2007

An act to amend Section 1756 of the Public Utilities Code, relating to the Public Utilities Commission.

LEGISLATIVE COUNSEL'S DIGEST

SB 1017, as introduced, Perata. Public Utilities Commission: judicial review.

The California Constitution establishes the Public Utilities Commission, and authorizes the Legislature, unlimited by the other provisions of the Constitution, to confer additional authority and jurisdiction upon the commission, that is cognate and germane to the regulation of public utilities and to establish the manner and scope of review of commission action in a court or record. The Public Utilities Act sets forth the manner and scope of review of commission actions by petition in the court of appeal or the Supreme Court, but specifies different rules for review of actions in a proceeding concerning authority to complete the merger or acquisition of 2 telecommunications-related corporations, as described, filed on or before December 31, 1998.

This bill would repeal those different rules for review of actions in a proceeding concerning authority to complete the merger or acquisition of 2 telecommunications-related corporations filed on or before December 31, 1998.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 1756 of the Public Utilities Code is amended to read:

1756. (a) Within 30 days after the commission issues its decision denying the application for a rehearing, or, if the application was granted, then within 30 days after the commission issues its decision on rehearing, or at least 120 days after the application is granted if no decision on rehearing has been issued, any aggrieved party may petition for a writ of review in the court of appeal or the Supreme Court for the purpose of having the lawfulness of the original order or decision or of the order or decision on rehearing inquired into and determined. If the writ issues, it shall be made returnable at a time and place specified by court order and shall direct the commission to certify its record in the case to the court within the time specified.

(b) The petition for review shall be served upon the executive director of the commission either personally or by service at the office of the commission.

(c) For purposes of this section, the issuance of a decision or the granting of an application shall be construed to have occurred on the date when the commission mails the decision or grant to the parties to the action or proceeding.

(d) The venue of a petition filed in the court of appeal pursuant to this section shall be in the judicial district in which the petitioner resides. If the petitioner is a business, venue shall be in the judicial district in which the petitioner has its principal place of business in California.

(e) Any party may seek from the Supreme Court, pursuant to California Rules of Court, an order transferring related actions to a single appellate district.

(f) For purposes of this section, review of decisions pertaining solely to water corporations shall only be by petition for writ of review in the Supreme Court, except that review of complaint or enforcement proceedings may be in the court of appeal or the Supreme Court.

~~(g) No order or decision arising out of a commission proceeding under Section 854 shall be reviewable in the court of appeal pursuant to subdivision (a) if the application for commission authority to complete the merger or acquisition was filed on or~~

1 ~~before December 31, 1998, by two telecommunications-related~~
2 ~~corporations including at least one which provides local~~
3 ~~telecommunications service to over one million California~~
4 ~~customers. These orders or decisions shall be reviewed pursuant~~
5 ~~to the Public Utilities Code in existence on December 31, 1998.~~

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